

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC D/B/A IXO,
Plaintiff,

v.

MORGAN STANLEY, et al.,
Defendants.

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§ Civil Action No. 6:09-cv-326-LED-JDL
§ Civil Action No. 6:10-cv-248-LED-JDL
§ Civil Action No. 6:10-cv-426-LED-JDL

PATENT CASE

DEMAND FOR JURY TRIAL

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**DEFENDANTS BNY CONVERGEX GROUP, LLC,
BNY CONVERGEX EXECUTION SOLUTIONS LLC, CREDIT SUISSE SECURITIES
(USA), LLC AND CREDIT SUISSE HOLDINGS (USA), INC.’S OPPOSITION TO
PLAINTIFF REALTIME DATA’S MOTION FOR EXPEDITED BRIEFING OF
PLAINTIFFS’ MOTION TO LIFT THE STAY PENDING RESOLUTION OF
REALTIME’S PETITION FOR REHEARING AND REQUEST FOR REHEARING EN
BANC (DKT. 349)**

Defendants BNY ConvergEx Group, LLC (“ConvergEx Group”), BNY ConvergEx Execution Solutions (“CES”) (collectively, “the ConvergEx defendants”), and Credit Suisse Securities (USA), LLC and Credit Suisse Holdings (USA), Inc. (collectively, “the Credit Suisse defendants”) oppose Realtime Data, LLC d/b/a IXO’s (“Realtime’s”) motion for expedited briefing on Realtime’s motion to lift the stay recently ordered by this Court in the above-styled cases. In support of their opposition, the ConvergEx defendants and the Credit Suisse defendants hereby incorporate by reference Defendants’ Opposition to Plaintiff Realtime Data’s Motion for Expedited Briefing of Plaintiff’s Motion to Lift the Stay Pending Resolution of Realtime’s Petition for Rehearing and Request for Rehearing En Banc (Dkt. 350), filed July 7, 2011, and all

exhibits thereto. The ConvergEx defendants and Credit Suisse respectfully request that the Court deny Realtime's motion for expedited briefing.

Dated: July 8, 2011

Respectfully submitted,

By: /s/ Steven Cherny by Trey Yarbrough with permission

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*/s/ Mark Matuschak by Trey Yarbrough with
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 8th day of July, 2011. All other counsel not deemed to have consented to service in such manner will be served via facsimile transmission and/or first class mail.

/s/ Trey Yarbrough
Trey Yarbrough